

# **EXHIBIT A**

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**FILED**

**FEB 22 2007**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY                       
DEPUTY CLERK

5  
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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 **2:07 - CR - 0059** 

11 UNITED STATES OF AMERICA, ) CR. NO.  
12 )  
12 Plaintiff, ) VIOLATIONS: 21 U.S.C. §§ 846 and  
13 ) 841(a)(1) - Conspiracy to  
13 v. ) Manufacture and Possess With  
14 ) Intent to Distribute Marijuana;  
14 VAN HUNG VI, ) 21 U.S.C. § 841(a)(1) -  
15 ) Manufacture of Marijuana  
15 VAN HY VI, )  
16 VAN DAT VI, and )  
16 TOMMY LY, )  
17 Defendants. )

18 **I N D I C T M E N T**

19 COUNT ONE: [21 U.S.C. §§ 846 and 841(a)(1) - Conspiracy to  
20 Manufacture and Possess With Intent to Distribute  
21 Marijuana]

22 The Grand Jury charges: T H A T

23 VAN HUNG VI,  
24 IVY JUNG TRAN,  
25 VAN HY VI,  
VAN DAT VI, and  
TOMMY LY

26 defendants herein, beginning at a time unknown to the Grand Jury,  
27 but no later than in or about January 2007, and continuing  
28 thereafter to on or about February 7, 2007, in the State and Eastern

1 District of California, and elsewhere, did knowingly and  
2 intentionally conspire with each other and with other persons  
3 unknown to the Grand Jury, to manufacture and to possess with intent  
4 to distribute at least 1000 marijuana plants, a Schedule I  
5 controlled substance, in violation of Title 21, United States Code,  
6 Sections 846 and 841(a)(1).

7 COUNT TWO: [21 U.S.C. § 841(a)(1) - Possession with Intent to  
8 Distribute Marijuana]

9 The Grand Jury further charges: T H A T

10 VAN HUNG VI,  
11 IVY JUNG TRAN,  
12 VAN HY VI,  
13 VAN DAT VI, and  
14 TOMMY LY ,

15 defendants herein, on or about February 7, 2007, in the State and  
16 Eastern District of California, did knowingly and intentionally  
17 possess with intent to distribute at least 100 marijuana plants, a  
18 Schedule I controlled substance, in violation of Title 21, United  
19 States Code, Section 841(a)(1).

20 A TRUE BILL.

21 /s/ Signature on file w/ AUSA

22 FOREPERSON

23   
24 \_\_\_\_\_  
25 MCGREGOR W. SCOTT  
26 United States Attorney  
27  
28

No. \_\_\_\_\_

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# UNITED STATES DISTRICT COURT

*Eastern District of California*

*Criminal Division*

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THE UNITED STATES OF AMERICA

vs.

VAN HUNG VI;  
IVY JUNG TRAN;  
VAN HY VI;  
VAN DAT VI; AND  
TOMMY LY

---

## INDICTMENT

VIOLATION(S): 21 U.S.C. §§ 846 and 841(a)(1) - CONSPIRACY  
TO MANUFACTURE AND POSSESS WITH INTENT TO  
DISTRIBUTE MARIJUANA; 21 U.S.C. § 841(a)(1) - POSSESSION  
WITH INTENT DISTRIBUTE MARIJUANA

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*A true bill,*

*/s/*

\_\_\_\_\_  
*Foreman.*

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Filed in open court this *22<sup>nd</sup>* day

of *February*, A.D. 20 *07*

*W. Lopez*

\_\_\_\_\_  
*Clerk.*

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Bail, \$ *No process necessary*  
*of Amile*

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GPO 863 525

207 - CR - 0059 LWR

PENALTY SLIP

Defendants: Van Hung Vi; Ivy Jung Tran; Van Hy Vi; Van Dat Vi,  
and Tommy Ly.

COUNT ONE

VIOLATION: 21 U.S.C. §§ 846 and 841(a)(1) - Conspiracy to  
Manufacture and Possess with Intent to Distribute  
at Least 1,000 Plants of Marijuana

PENALTY: Not more than \$4,000,00 fine, or  
Not less than 10 years to life imprisonment, or  
both  
At least 5 years of supervised release

Defendants: Van Hung Vi; Ivy Jung Tran; Van Hy Vi; Van Dat Vi,  
and Tommy Ly.

COUNT TWO

VIOLATION: 21 U.S.C. § 841(a)(1) - Manufacturing at Least 100  
Plants of Marijuana

PENALTY: Not more than \$2,000,00 fine or  
Not less than 5 years to 40 years imprisonment, or  
both  
At least 5 years of supervised release

PENALTY

ASSESSMENT: \$100.00 Special Assessment (each count)

207-CR-0059 LUK

# **EXHIBIT B**

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VAN HUNG VI,

Defendant.

No. 2:07-mj-46 KJM

**DETENTION ORDER**

A. Order For Detention

After conducting a further detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i)

B. Statement Of Reasons For The Detention

The Court orders the defendant's detention because it finds:

- ☒ By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
- ☒ By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

C. Findings Of Fact

The Court's findings are based on the evidence which was presented in Court and that which was contained in the Pretrial Services Report, and includes the following:

- ☒ (1) Nature and Circumstances of the offense charged:
- ☒ (a) The crime: 21 U.S.C. §§ 841, 846
- ☐ (b) The offense is a crime of violence.
- ☐ (c) The offense involves a narcotic drug.
- ☒ (d) The offense involves a large amount of controlled substances (1600+ marijuana plants)
- ☐ (2) The weight of the evidence against the defendant is high.
- ☒ (3) The history and characteristics of the defendant including:
- (a) General Factors:
- ☐ The defendant appears to have a mental condition which may affect whether the defendant will appear.
- ☒ The defendant has no known family ties in the area.
- ☒ The defendant has no known steady employment.
- ☒ The defendant has no known substantial financial resources.
- ☐ The defendant is not a long time resident of the community.
- ☒ The defendant does not have any known significant community ties.
- ☐ Past conduct of the defendant: prior probation violation (1982)
- ☐ The defendant has a history relating to drug abuse.
- ☒ The defendant has a significant prior criminal record.
- ☐ The defendant has a prior record of failure to appear at court proceedings

Whether the defendant was on probation, parole, or release by a court;

At the time of the current arrest, the defendant was on:

- ☒ Probation(state DUI)  
☐ Parole  
☐ Release pending trial, sentence, appeal or completion of sentence.

(b) Other Factors:

- ☐ The defendant is an illegal alien and is subject to deportation.  
☐ The defendant is a legal alien and will be subject to deportation if convicted.  
☒ Other: Immigration status unknown; born in Vietnam.

☒ (4) Rebuttable Presumptions

In determining that the defendant should be detained, the court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e), which the court finds the defendant has not rebutted:

- ☐ a. (1) The crime charged is one described in § 3142(f)(1) viz.  
☐ (A) a crime of violence; or  
☐ (B) an offense for which the maximum penalty is life imprisonment or death; or  
☐ (C) a controlled substance violation that has a maximum penalty of ten years or more; or  
☐ (D) a felony and defendant previously was convicted of two or more of the offenses described in (A) through (C) above and  
(2) Defendant previously has been convicted of one of the crimes listed in subparagraph (1)(A)-(C), above and  
(3) The offense referred to in subparagraph (2) was committed while defendant was on release pending trial and  
(4) Not more than five years has elapsed since the date of conviction or release from imprisonment for the offense referred to in subparagraph (2).  
☒ b. There is probable cause to believe that defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed  
☒ in the Controlled Substances Act, 21 U.S.C. §§ 801, et seq.,  
☐ the Controlled Substances Import and Export Act, 21 U.S.C. §§ 951, et seq.,  
☐ the Maritime Drug Law Enforcement Act, 46 U.S.C. App. §§ 1901, et seq., or  
☐ an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b.  
☐ an offense under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and

The defendant be afforded reasonable opportunity for private consultation with his counsel; and

That, on order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: 2/21/07

  
U.S. MAGISTRATE JUDGE



# **EXHIBIT C**

Notification to Alien of Conditions of Release or Detention

VI Van, Hung  
Name  
(Nombre)

A21 508 838  
File Number  
(Número del Registro)

**NOTIFICATION TO ALIEN OF CONDITIONS OF RELEASE OR DETENTION**  
**(AVISO AL EXTRANJERO SOBRE LAS CONDICIONES DE SU**  
**DETENCION O PUESTA EN LIBERTAD)**

Pursuant to the authority of Part 242.2, Title 8, Code of Federal Regulations, an authorized officer has determined that, pending a final determination of deportability in your case, and, in the event you are ordered deported, until your departure from the United States is effected, but not to exceed six months (except in the case of an alien convicted of an aggravated felony) from the date of the final order of deportation under administrative processes, or from the date of the final order of the court if judicial review is had, you shall be:

De acuerdo con lo dispuesto en la Parte 242.2 del Título 8, Código de Reglamentos Federales, un funcionario autorizado ha decidido que, mientras se llega a una decisión definitiva con respecto a su deportación y, en el caso de que se ordene la misma, hasta que tenga lugar su salida de los Estados Unidos, pero que no exceda más de seis meses (salvo en el caso de un extranjero condenado por un delito grave con agravantes) después de la fecha de la orden definitiva de deportación por trámites administrativos, o a partir de la fecha definitiva de la orden del tribunal, de haber revisión judicial, Usted sea:

☒ Detained in the custody of this Service (Detenido bajo la custodia del Servicio) ☐ Released on an Order of Recognizance (Form I-220A) (Puesto en libertad en virtud de una Orden de Obligación de Comparecer) (Formulario I-220A)

☒ Released under bond in the amount of \$ 5,000.00 (Puesto en libertad bajo fianza por la cantidad de)

You may accept this custody determination or you may request a redetermination by an immigration judge.  
(Usted puede aceptar esta decisión de custodia o solicitar que el juez de inmigración tome otra decisión).

I do ☒ do not ☐ request redetermination of the custody decision by an immigration judge.  
(Solicito) (no solicito) (que el juez de inmigración determine de nuevo acerca de esta decisión de custodia).

X Vi Van Hung  
Signature of respondent  
(Firma del demandado)

6-8-95  
Date  
(Fecha)

**CERTIFICATE OF SERVICE**

Served at SPC/ECC on 6/7/95, 19\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Eugene Parra

Signature of Officer/Employee

Deportation Officer

Title of Officer/Employee

**RESULT OF CUSTODY REDETERMINATION**

On June 08, 1995, 19\_\_\_\_, custody status/conditions for release were reconsidered by:

☐ Immigration Judge (EOIR) ☒ District Director ☐ Board of Immigration Appeals

The results of the redetermination/reconsideration are:

☐ No Change-Original determination upheld. ☐ Release-Order of Recognizance (I-220A).  
☒ Detain in custody of this Service ☐ Release-Personal Recognizance.  
☒ Bond amount reset to \$ 5,000.00 ☐ Other: \_\_\_\_\_

Hector Najera Officer In Charge  
Signature/Title

**Immigration and Naturalization Service**

**1115 N. Imperial Avenue  
El Centro, CA 92243**

## HUNG VAN VI

743 GREENWICH

412 COMMERCIAL ST.

**FILE NO:** A21 508 838

DATE: JUNE 8, 1995

**Your case is set at the date, time and address shown below. Even if you have requested a transfer, you must appear unless you receive written notice from the Executive Office of Immigration Review that your case has been transferred. You must also keep that office advised of any change in your address.**

**If you do not appear for hearing when notified to do so, three actions may be taken: (1) hearing will be held in your absence; (2) the money paid for your bond will be kept by the Service; or (3) a warrant for your arrest shall be issued.**

**Sincerely,**

**Deportation Officer**

**El Centro, CA**

**FOR:**

**MARK K. REED**

**District Director**

**San Diego, CA**

DETENTION OFFICER

**Place of hearing:** Office of the Immigration Judge  
630 Sansome Street  
San Francisco, CA 94110

\*\*\*YOU HAVE A FINAL ORDER OF DEPORTATION. YOU ARE BEING RELEASED ON BOND PENDING  
ARRANGEMENTS FOR A TRAVEL DOCUMENT. ANY CORRESPONDENCE ON YOUR CASE WILL BE FORWARD  
TO THE ABOVE ADDRESS.

**\*NOTE:** You may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Immigration and Naturalization Service. If you wish to be represented, your attorney or representative should appear with you at the hearing.

Bond Posted at ECC/DM on 06/08/95 nc

MESSAGE: PREPAID TICKET AT GREYHOUND. PHONE FAMILY  
UPON RELEASE (415) 467-5069.

# **EXHIBIT D**

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

**FILED**

MAR 15 2007

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]

UNITED STATES OF AMERICA,

Plaintiff,

v.

VAN HUNG VI,

Defendant.

CR.S-07-0059-LKK

**DETENTION ORDER**

A. Order For Detention

After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (1)

B. Statement Of Reasons For The Detention

The Court orders the defendant's detention because it finds:

- ☒ By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
- ☒ By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

C. Findings Of Fact

The Court's findings are based on the evidence which was presented in Court and that which was contained in the Pretrial Services Report, and includes the following:

- ☐ (1) Nature and Circumstances of the offense charged:
  - ☐ (a) The crime. \_\_\_\_\_
  - ☐ (b) The offense is a crime of violence.
  - ☒ (c) The offense involves a narcotic drug.
  - ☐ (d) The offense involves a large amount of controlled substances.
- ☐ (2) The weight of the evidence against the defendant is high.
- ☒ (3) The history and characteristics of the defendant including:
  - (a) General Factors:
    - ☐ The defendant appears to have a mental condition which may affect whether the defendant will appear.
    - ☐ The defendant has no known family ties in the area.
    - ☐ The defendant has no known steady employment.
    - ☒ The defendant has no known substantial financial resources.
    - ☐ The defendant is not a long time resident of the community.
    - ☐ The defendant does not have any known significant community ties.
    - ☒ Past conduct of the defendant: Violent Criminal History
    - ☐ The defendant has a history relating to drug abuse.
    - ☒ The defendant has a significant prior criminal record.
    - ☐ The defendant has a prior record of failure to appear at court proceedings.

☐ Court/Original

☐ U.S. Attorney

☐ Defense Counsel

☐ Pretrial Services

Whether the defendant was on probation, parole, or release by a court;

At the time of the current arrest, the defendant was on:

- ☐ Probation
- ☐ Parole
- ☐ Release pending trial, sentence, appeal or completion of sentence.

(b) Other Factors:

- ☒ The defendant is an illegal alien and is subject to deportation.
- ☐ The defendant is a legal alien and will be subject to deportation if convicted.
- ☒ Other: Immigration add

☐ (4) Rebuttable Presumptions

In determining that the defendant should be detained, the court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e), which the court finds the defendant has not rebutted:

- ☒ a. (1) The crime charged is one described in § 3142(f)(1) viz.
  - ☐ (A) a crime of violence; or
  - ☐ (B) an offense for which the maximum penalty is life imprisonment or death; or
  - ☒ (C) a controlled substance violation that has a maximum penalty of ten years or more; or
  - ☐ (D) a felony and defendant previously was convicted of two or more of the offenses described in (A) through (C) above and
- (2) Defendant previously has been convicted of one of the crimes listed in subparagraph (1)(A)-(C), above and
- (3) The offense referred to in subparagraph (2) was committed while defendant was on release pending trial and
- (4) Not more than five years has elapsed since the date of conviction or release from imprisonment for the offense referred to in subparagraph (2).
- ☒ b. There is probable cause to believe that defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed
  - ☒ in the Controlled Substances Act, 21 U.S.C. §§ 801, et seq.,
  - ☐ the Controlled Substances Import and Export Act, 21 U.S.C. §§ 951, et seq.,
  - ☐ the Maritime Drug Law Enforcement Act, 46 U.S.C. App. §§ 1901, et seq., or
  - ☐ an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b.
  - ☐ an offense under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and

The defendant be afforded reasonable opportunity for private consultation with his counsel; and

That, on order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 15, 2007

Paul A. Bremer  
UNITED STATES MAGISTRATE JUDGE